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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-510**

13 **SELENA MARIE RAMIREZ, aka SELINA,**
14 **aka SELENA RAMIREZ**
15 **1157 Rockhaven Court**
16 **Salinas, CA 93906**
17 **Registered Nurse License No. RN 587727**

ACCUSATION

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about September 26, 2001, the Board of Registered Nursing issued Registered
24 Nurse License Number RN 587727 to Selena Marie Ramirez, aka Selina, aka Selena Ramirez
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on March 31, 2011, unless renewed.
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28

1 JURISDICTION

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 STATUTORY PROVISIONS

6 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
7 that the Board may discipline any licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
9 Nursing Practice Act.

10 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
12 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
13 Code, the Board may renew an expired license at any time within eight years after the expiration.

14 6. Section 2761 of the Code states, in pertinent part:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an
16 application for a certificate or license for any of the following:

17 ...

18 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
19 functions, and duties of a registered nurse, in which event the record of the conviction shall be
20 conclusive evidence thereof.

21 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
22 revoke a license on the ground that the licensee has been convicted of a crime substantially
23 related to the qualifications, functions, or duties of the business or profession for which the
24 license was issued.

25 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

1 9. California Code of Regulations, title 16, section 1444, states, in pertinent part:

2 "A conviction or act shall be considered to be substantially related to the qualifications,
3 functions or duties of a registered nurse if to a substantial degree it evidences the present or
4 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
5 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

6 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
7 subdivision (d) of Penal Code Section 11160.

8 ...

9 FIRST CAUSE FOR DISCIPLINE

10 (Conviction of a Crime)

11 10.. Respondent is subject to disciplinary action under sections 2761(f) and 490 in that she
12 was convicted of a crime substantially related to the practice of registered nursing. The
13 circumstances are as follows:

14 11. On or about July 30, 2009, in Monterey County Superior Court Case number
15 MS272005A, in the case entitled *People of the State of California vs. Selena Ramirez*,
16 respondent plead nolo contendere to a violation of Penal Code section 415 (Fight in Public,
17 Disturbing the Peace – Misdemeanor). At the time of her arrest and conviction Respondent was
18 on probation for a conviction of violating Penal Code section 242 (Battery – misdemeanor) as set
19 forth below in paragraph 13.

20 SECOND CAUSE FOR DISCIPLINE

21 (Conviction of a Crime)

22 12. Respondent is subject to disciplinary action under sections 2761(f) and 490 in that she
23 was convicted of a crime substantially related to the practice of registered nursing. The
24 circumstances are as follows:

25 13. On or about June 21, 2007, in Monterey County Superior Court Case number
26 MS248371A, in the case entitled *People of the State of California vs. Selena Ramirez*,
27 respondent plead nolo contendere to a violation of Penal Code section 242 (Battery –

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1 Misdemeanor). She was sentenced to three years supervised probation, with terms and
2 conditions.

3 DISCIPLINE CONSIDERATIONS

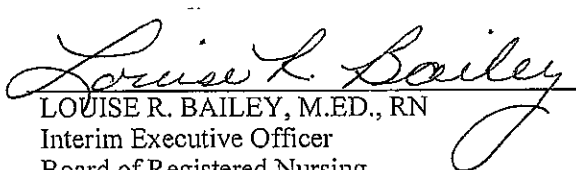
4 14. To determine the degree of discipline, if any, to be imposed on Respondent,
5 Complainant alleges that on or about March 16, 1996, in a prior criminal proceeding entitled
6 *People of the State of California vs. Selena Ramirez* in Santa Clara County Superior Court,
7 Respondent was, by her own admission, convicted for misdemeanor assault, for which she was
8 placed on probation. Respondent admitted this conviction, under penalty of perjury, at the time
9 of her application for licensure as a registered nurse.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number RN 587727, issued to
14 Selena Marie Ramirez.
- 15 2. Ordering Selena Marie Ramirez to pay the Board of Registered Nursing the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.
- 19
20

21 DATED: 4/15/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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27 accusation.rtf
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